



## ALTERNATIVES TO GUARDIANSHIP: WHY?

### What is adult guardianship?

The term refers to a legal process in which the court appoints a person, known as a guardian, to make personal or financial decisions for an adult who is not able to because of illness or disability. The court can appoint a guardian of the person, a guardian of the property, or both.

- A **guardian of the person** makes non-financial decisions for things like housing, medical care, clothing, food, education, and everyday needs.
- A **guardian of the property** handles financial affairs such as paying bills, filing taxes, and applying for benefits or services.

Just because someone has been diagnosed with a disability or an illness, does not mean they need a guardian. Because guardianship significantly interferes with a person's independence and rights, it is treated as a last resort.

Learn about the alternatives to guardianship. They must be explored and exhausted before the court will appoint a guardian for an adult. They can also help you avoid needing a guardian one day.

### What are alternatives to guardianship?

They are formal and informal options that allow a person to have their personal or financial needs met without a guardian. They are sometimes called less restrictive options. Alone or together, these options can help a person avoid guardianship or be used to limit, modify, or terminate a guardianship.

Alternatives to guardianship include:

- Advance directives
- Surrogate decision-making
- Assistance with personal needs
- Powers of attorney
- Representative payees
- Banking services, ABLE accounts, trusts, and specific transactions
- Supported decision-making

Learn about these options at [mdcourts.gov/alternatives](https://mdcourts.gov/alternatives).

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Some of these options can be part of your estate plan. An estate plan is a collection of documents that explains how you want your personal or financial affairs to be handled in the event you die or later become incapacitated and are unable to make decisions. Having a plan in place can help ensure that your wishes are honored and help you avoid needing a guardian one day. Talk to a lawyer about creating an estate plan.

### **Why are alternatives to guardianship important?**

Because guardianship limits, and in some cases takes away, a person's basic rights. It removes their ability to make decisions about what they eat, where they live, when they see family and friends, and how their money is spent. Because this is all at stake, the guardianship court process is protective and complex and can be lengthy and expensive. If the court decides you need a guardian, it may appoint a stranger who knows nothing about your values, preferences, or beliefs.

